

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMAM DAMON HENDRIX,

Plaintiff,

v.

KARISSA CURRIER, *et al.*,

Defendants.

Case No. 3:23-cv-00530-ART-CLB
ORDER CONFIRMING VOLUNTARY
DISMISSAL, DENYING IFP
APPLICATION, AND CLOSING CASE
(ECF No. 3)

On December 27, 2023, *pro se* plaintiff Jamal Hendrix filed a “stipulation” stating that he had been released from prison and asking the Court to dismiss this civil-rights action. (ECF No. 3). Federal Rule of Civil Procedure 41(a)(1)(A)(i) provides that a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]” No party has appeared other than Hendrix, and no responsive pleading or summary-judgment motion has been filed in this case. So voluntarily dismissal under Rule 41(a)(1)(A)(i) is appropriate here.

Generally, dismissal under Rule 41(a)(1) is “without prejudice” unless the notice or stipulation states otherwise. Fed. R. Civ. P. 41(a)(1)(B). Hendrix asks that dismissal be “with prejudice,” but it is not clear why he seeks an adjudication on the merits here. Out of an abundance of caution, the Court will dismiss this action without prejudice.

It is therefore ordered that this action is dismissed without prejudice.

It is further ordered that Hendrix’s application to proceed *in forma pauperis* (ECF No. 1) is denied as moot.

The Clerk of the Court is directed to close this case.

DATED this 2nd day of January 2024.



ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE